

15. Section 85 is replaced by the following:

“**85.** The Société furnishes the documents that a person must fill out or have filled out for the purposes of paragraph 2 of section 24, paragraph 3 of section 25, subparagraph *b* of paragraph 2 of section 42, subparagraph *b* of paragraph 2 and subparagraph *c* of paragraph 3 of section 43.”.

16. Division VIII of Chapter VIII is revoked.

17. This Regulation comes into force on 17 January 2010.

9574

Gouvernement du Québec

O.C. 1312-2009, 2 December 2009

Highway Safety Code
(R.S.Q., c. C-24.2)

Road vehicle

— **Access to driving in connection with the health of drivers**

— **Amendments**

Regulation to amend the Regulation respecting access to driving a road vehicle in connection with the health of drivers

WHEREAS, under paragraph 2 of section 619 of the Highway Safety Code (R.S.Q., c. C-24.2), the Government may by regulation determine the cases where and establish the criteria according to which conditions may be attached to a licence;

WHEREAS, under paragraph 8 of section 619 of the Code, the Government may by regulation establish the health standards which identify the illnesses, deficiencies and conditions affecting a person that are considered as being essentially or relatively inconsistent with the driving of a road vehicle or class or sub-class of road vehicles;

WHEREAS the Regulation respecting access to driving a road vehicle in connection with the health of drivers was made by the Government by Order in Council 32-89 dated 18 January 1989;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R18.1), a draft of the Regulation to amend the Regulation respecting access to driving a road vehicle in connection with the health of drivers was published in Part 2 of the *Gazette officielle du Québec* of 13 May 2009 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Transport:

THAT the Regulation to amend the Regulation respecting access to driving a road vehicle in connection with the health of drivers, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting access to driving a road vehicle in connection with the health of drivers*

Highway Safety Code
(R.S.Q., c. C24.2, s. 619, pars. 2 and 8)

1. Section 3 of the Regulation respecting access to driving a road vehicle in connection with the health of drivers is amended by striking out the third paragraph.

2. Section 4 is revoked.

3. Sections 5 and 6 are replaced by the following:

“**5.** Visual acuity of less than 6/15 with both eyes open and examined together is essentially inconsistent with driving a road vehicle.

6. Visual acuity of less than 6/9 with both eyes open and examined together is essentially inconsistent with driving an articulated or non-articulated heavy vehicle, a bus, an emergency vehicle, a minibus or a taxi.”.

4. Section 7 is revoked.

5. Section 8 is replaced by the following:

“**8.** A horizontal field of vision of less than 150 continuous degrees along the horizontal meridian and less than 10 continuous degrees above fixation and less than 20 continuous degrees below fixation with both eyes open and examined together is essentially inconsistent with driving an articulated or non-articulated heavy vehicle, a bus, an emergency vehicle, a minibus or a taxi.”.

* The Regulation respecting access to driving a road vehicle in connection with the health of drivers, approved by Order in Council 32-89 dated 18 January 1989 (1989, *G.O.* 2, 142), was last amended by the regulation approved by Order in Council 1423-97 dated 29 October 1997 (1997, *G.O.* 2, 5450). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2009, updated to 1 March 2009.

6. Section 9 is revoked.

7. Section 10 is replaced by the following:

“**10.** A horizontal field of vision of less than 100 continuous degrees along the horizontal meridian and less than 10 continuous degrees above fixation and less than 20 continuous degrees below fixation or less than 30 continuous degrees on each side of the vertical meridian, with both eyes open and examined together, is essentially inconsistent with driving a road vehicle.”.

8. Sections 11 and 12 are revoked.

9. Section 14 is replaced by the following:

“**14.** A severe colour vision deficiency that prevents a driver from distinguishing traffic lights is essentially inconsistent with driving a road vehicle.”.

10. Section 21 is replaced by the following:

“**21.** For the purposes of this Division, the following functional cardiac classification is established:

(1) Class I: no limitation of activity and no symptoms from daily activities;

(2) Class II: slight limitation of activity but comfortable at rest or during mild physical activity;

(3) Class III: marked limitation of activity and comfortable only at rest;

(4) Class IV: the person should be at complete rest, confined to bed or chair and any physical activity brings on discomfort and symptoms may occur even at rest.”.

11. Section 24 is replaced by the following:

“**24.** A cardiopathy that places a person in Class III or IV or in LV Class III is essentially inconsistent with driving an articulated or non-articulated heavy vehicle, a bus, an emergency vehicle or a minibus.

For the purposes of this section, the following functional classification of the left ventricle is established:

(1) LV Class I: ejection fraction > 50%;

(2) LV Class II: ejection fraction from 35% to 49%;

(3) LV Class III: ejection fraction < 35%.”.

12. Sections 24.1 and 25 are revoked.

13. Section 33 is replaced by the following:

“**33.** Anatomical or functional loss of a limb or a limb joint or limb immobilization is essentially inconsistent with driving a road vehicle unless the person shows, to the satisfaction of the Société, that the person can safely drive a road vehicle corresponding to the class of licence concerned or to the class the person wishes to obtain.”.

14. Sections 34 to 39 are revoked.

15. Section 40 is amended by replacing “in sections 33 to 39” by “in section 33”.

16. Section 49 is replaced by the following:

“**49.** Where a period of less than 5 years has elapsed since the last seizure, epilepsy is essentially inconsistent with driving an articulated or non-articulated heavy vehicle, a bus, an emergency vehicle, a minibus or a taxi, unless the person

(1) has had only partial simple seizures, somatosensory seizures or motor seizures involving one anatomical area having no impact on driving; the seizures are always of the same type and do not perturb the person’s state of consciousness, and a period of not less than 3 years has elapsed since the first seizure;

(2) has had one or more seizures resulting from an interruption or change in the treatment for epilepsy prescribed by a physician while epilepsy was closely supervised, and the person had no seizure during the 5 preceding years if a period of not less than 6 months has elapsed since the last seizure resulting from the interruption or change in the treatment and treatment has resumed; or

(3) has had one or more seizures in a brief period of time due to an intercurrent disease whose cause has been clearly established, which are unlikely to recur in a person who is usually closely supervised and closely follows the treatment, provided that the person had no seizure during the 5 preceding years and a period of not less than 6 months has elapsed since the last seizure.”.

17. Section 50 is amended by striking out “having a net mass not exceeding 2,500 kg” in the part preceding paragraph 1.

18. Section 55 is replaced by the following:

“**55.** Insulin-treated diabetes mellitus is essentially inconsistent with driving an articulated or non-articulated heavy vehicle, a bus, an emergency vehicle or a minibus, unless the person meets the following conditions:

(1) the person has had no hypoglycemic episode requiring the intervention of a third person for 6 months;

(2) the person shows a good understanding of the disease;

(3) the person's glycosylated hemoglobin is less than twice the normal limit;

(4) self-monitoring of glycemia is going well; and

(5) the person's condition is subject to an annual medical follow-up.”.

19. Section 56 is revoked.

20. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

9575

Gouvernement du Québec

O.C. 1313-2009, 2 December 2009

Transport Act
(R.S.Q., c. T-12)

**Transport of passengers by water
— Amendments**

Regulation to amend the Regulation respecting the transport of passengers by water

WHEREAS paragraphs *c*, *d*, *e*, *f* and *k* of section 5 of the Transport Act (R.S.Q., c. T-12) empower the Government to make regulations to determine what activities require a permit for the transport of persons, to provide exceptions to the activities requiring a permit as regards, among other things, the types of persons transported and the kinds of services and to prescribe conditions for the issue, maintaining, assignment, transfer or renewal of a permit, and to prescribe annual dues or other duties payable to the Commission des transports du Québec;

WHEREAS the Government made the Regulation respecting the transport of passengers by water by Order in Council 147-98 dated 4 February 1998;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting the transport of passengers by water was published in Part 2 of the *Gazette officielle du Québec* of 15 April 2009 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Transport:

THAT the Regulation to amend the Regulation respecting the transport of passengers by water, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

**Regulation to amend the Regulation
respecting the transport of passengers
by water***

Transport Act
(R.S.Q., c. T-12, s. 5, pars. *c*, *d*, *e*, *f* and *k*)

1. The Regulation respecting the transport of passengers by water is amended by replacing section 2 by the following:

“**2.** No permit is required in the following cases:

(1) the rental of a pleasure craft without crew;

(2) white-water rafting in a non-motorized craft or any other water sport;

(3) transport by water provided by

(a) the holder of an outfitter's licence in connection with activities incidental to the outfitting operation;

(b) an agency having signed a lease granting it exclusive fishing rights for purposes other than outfitting activities under subparagraph 5 of the second paragraph of section 86.1 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1);

(c) an agency to which the management of a controlled zone has been entrusted, in whole or in part, pursuant to section 106 of the Act respecting the conservation and development of wildlife;

(d) a person, an association or a body or agency authorized by contract to organize activities or provide services for profit or operate a commercial undertaking

* The Regulation respecting the transport of passengers by water, made by Order in Council 147-98 dated 4 February 1998 (1998, G.O. 2, 1205), has not been amended since it was made.